

AN ACT

RELATING TO INDIAN CHILDREN; REQUIRING CONSIDERATION OF CULTURAL NEEDS IN INDIAN CHILD PLACEMENT; AMENDING A SECTION OF THE CHILDREN'S CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-18-4 NMSA 1978 (being Laws 1993, Chapter 77, Section 227) is amended to read:

"32A-18-4. CULTURAL AWARENESS--CULTURALLY APPROPRIATE PLACEMENTS.--

A. An Indian child placed in foster care, pre-adoptive placement, adoptive placement or a secure facility shall be allowed to maintain the child's cultural ties and shall be permitted to participate in activities that strengthen cultural awareness.

B. An Indian child placed in a secure facility shall be permitted to participate in activities that strengthen cultural awareness. A representative of the child's culture shall be allowed access to the secure facility to provide activities that strengthen cultural awareness; provided that the activities are restricted to the premises of the secure facility.

C. Upon determining that a placement out of the home is medically necessary for an Indian child, the interagency behavioral health purchasing collaborative and its

contractors shall make reasonable efforts to place the child with a licensed residential treatment center, group home or treatment foster care home that provides culturally competent care and access to appropriate cultural practices, including traditional treatment, as determined in consultation with the child's tribe."

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